IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 3407 OF 2006

IN

SUIT NO. 771 OF 1987

P.M. Benefit Trust .....Plaintiffs.

vs.

Standard Graphics and Ors. .....Defendants.

Ms.V. Thakkar i/by.V.Thakkar and Co.
for the plaintiffs.

Mr.P.H.Singh i/by.Vyas & Bhalwal
for defendant nos.1,2 and 3.

CORAM: S.J.VAZIFDAR, J.

NOVEMBER 20, 2006.

P.C. :

1.There is no ground for setting aside the ex-parte decree. On merits the defence is that the entire claim in the suit was settled by payment of Rs.50,000/- to the plaintiff towards full and final

satisfaction of the suit claim. This submission is not well founded. An mere perusal of the letter dated 9.8.2006 (Exhibit C to the affidavit-in-reply) establishes that the plaintiff's claim only against defendant no.2 was settled by payment of Rs.50,000/-. The plaintiff had not given up his claim against the other defendants. The same has also been noted in the decree sought to be set aside. In the circumstances, Notice of Motion is dismissed with costs fixed at Rs.2500/- payable within four weeks from today.

sd/-

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